

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

ANTHONY JOHN PALUBICKI,

Petitioner,

v.

**STATE OF MINNESOTA
and STATE OF VERMONT,**

Respondents.

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File No. 1:16-cv-00250-jgm-jmc

ORDER

The Magistrate Judge's Report and Recommendation was filed December 19, 2016. (Doc. 5.) The Report and Recommendation is AFFIRMED, APPROVED and ADOPTED absent objection. See 28 U.S.C. § 636(b)(1).

Respondent State of Vermont's Motion for Change of Venue is GRANTED. (Doc. 4.) This case shall be transferred to the United States District Court for the District of Minnesota, where that court can decide, in its discretion, to either dismiss Palubicki's petition for a writ of habeas corpus filed under 28 U.S.C. § 2254, or transfer it to the United States Court of Appeals for the Eighth Circuit.

WHEREFORE, it is hereby

ORDERED, that ten (10) days after the date of the service of this Order, the Clerk is instructed to transfer this case to the United States District Court for the District of Minnesota.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 25th day of January, 2017.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge